

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

HENRY WILLIAM MARCAK

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-3536

Decision No. CU 4176

Counsel for claimant:

Walter R. Long, Jr., Esq.

PROPOSED DECISION

Claimant, HENRY WILLIAM MARCAK, who owned interests in the Cuban Venezuelan Oil Voting Trust and in the Trans-Cuba Oil Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Trust and Company.

In our decisions entitled the Claim of Felix Heyman (Claim No. CU-0412) and Claim of D. R. Wimberly (Claim No. CU-3417) which we incorporate herein by reference, we held that the properties owned or controlled by the Trust and by the Company were nationalized or otherwise taken by the Government of Cuba on November 23, 1959, and that these types of claim are compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per unit of the Trust as \$0.11971; and the value per Trans-Cuba share as \$0.1198.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Heyman and Wimberly decisions; that he was an American national at the requisite times; that he has been the owner of 100 units of participation in the Cuban Venezuelan Oil Voting Trust and of 200 shares of Trans-Cuba since prior to November 23, 1959; and that he suffered a loss in the aggregate amount of \$35.93 within the meaning of Title V of the Act. Further, the Commission

finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959, the date of loss, to the date on which provisions are made for the settlement thereof. (See Heyman and Wimberly, supra.)

CERTIFICATION OF LOSS

The Commission certifies that HENRY WILLIAM MARCAK suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-five Dollars and Ninety-three Cents (\$35.93) with interest at 6% per annum from November 23, 1959 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

NOV 7 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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